

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
WILSON DIVISION**

IN RE:

CASE NUMBER:

**MICHELLE KITCHEN
Debtor**

**12-07804-8-RDD
CHAPTER 13**

MOTION TO MODIFY PLAN

Now comes the Debtor, by and through undersigned counsel, and moves the Court pursuant to Section 1329 of the Code to modify her confirmed Chapter 13 Plan, and in support, shows unto the Court as follows:

1. The Debtor filed her Chapter 13 petition on November 1, 2012. The primary reason for the filing of the petition was to save her house from foreclosure. The Debtor's Plan was ultimately confirmed on January 23, 2013. The Plan provided for 50 payments of \$1365.00. The Plan did not provide for any distribution to the unsecured creditors. Accordingly, a modification will not adversely effect the creditors.
2. Since the confirmation of the Chapter 13 Plan, the Debtor's creditors have filed claims in the case. The secured claims, with arrears, and the priority claims, have been higher than expected.
3. In order to pay out the claims in this case as required by the Code, the Debtor's Plan must be modified to provide for seven (7) payments of \$1,365.00 per month, followed by fifty-three (53) payments of \$1,530.00 per month. The first payment of \$1,530.00 shall be due in July, 2013.
4. The Debtor's proposed modification is made in good faith, is feasible and should be allowed.

WHEREFORE, based upon the above, the Debtor prays that the Court allow the Debtor's Chapter 13 Plan to be modified as follows: seven (7) payments of \$1,365.00 per month, followed by fifty-three (53) payments of \$1,530.00 per month. The first payment of \$1,530.00 shall be due in July, 2013.

Respectfully submitted, this the 21st day of May, 2013.

S/ John G. Rhyne
John G. Rhyne, Attorney for Debtor
P.O. Box 8327
Wilson, NC 27893
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NOTICE OF MOTION
AND CERTIFICATE OF SERVICE

The undersigned has filed a *Motion To Modify Plan* with the Court to obtain the relief stated in the foregoing Motion.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the relief sought in Motion, or if you want the Court to consider your views on the Motion, then on or before **June 17, 2013**, unless otherwise ordered, you or your attorney must file with the Court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing at:

Clerk,
United States Bankruptcy Court
1760-A Parkwood Blvd.
Wilson, NC 27893-3564

If you mail your request/response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to the undersigned as well as the additional parties shown on the attached Certificate of Service.

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the motion at a date, time and place to be later set and all parties will be notified accordingly.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: May 22, 2013

/s/ John G. Rhyne
John G. Rhyne
State Bar No: 17570
P.O. Box 8327
Wilson, NC 27893
Telephone: (252) 234-9933
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CERTIFICATE OF SERVICE

I, John G. Rhyne, of John G. Rhyne, Attorney At Law, of P.O. Box 8327, Wilson, North Carolina 27893, certify:

That I am, and all times hereinafter mentioned was, more than eighteen (18) years of age:

That on May 22, 2013, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system. By filing the pleading using the CM/ECF system, the parties listed below will either receive notification of such filing by way of CM/ECF or by depositing copies thereof in the United States mail, first class mail, postage prepaid, an envelope addressed as shown below.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: May 22, 2013.

S/ John G. Rhyne
John G. Rhyne
P.O. Box 8327
Wilson, NC 27893
Telephone (252) 234-9933
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RECIPIENTS:

Ms. Michelle Kitchen
1210 Dogwood Lane
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Chapter 13 Trustee
P.O. Box 8248
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